

El Salvador: Certification Process

August 1982

Background: The International Security and Development Cooperation Act of 1981 makes the provision of security assistance to El Salvador contingent upon the President's certification, at 180-day intervals, that the Salvadoran Government is: "making a concerted and consistent effort to comply with internationally recognized human rights"; "achieving substantial control over...its own armed forces"; "making continued progress in implementing...the land reform program"; "committed to the holding of elections at an early date"; and making a "good faith effort to investigate the murders...and bring to justice those responsible" in the killings of four American churchwomen and two American labor advisers in El Salvador. The authority to make the certification has been delegated by the President to the Secretary of State. The first certification was transmitted to Congress on January 28, 1982; the second covers the period up to July 27.

Progress amid continuing strife: The most important development in the past 6 months was the democratic election, on March 28, of a Constituent Assembly and the formation of a civilian government responsible to the Assembly to replace the civilian-military junta. Severe civil strife continues, however, and the new Government of National Unity is engaged in a struggle against a guerrilla movement which, with outside support, is attempting to seize power by force.

The resulting violence has involved continuing instances of human rights violations by leftist guerrillas, rightwing extremists, and individual members of the security forces acting against official government policy. We continue to be concerned by the human rights situation and by challenges to the governments's reforms. Nevertheless, there are tangible signs the new government is making progress in controlling the violence. We believe that a firm base has been established for future progress.

Human rights and the armed forces: The initiation of the democratic process in El Salvador is a major step toward translating popular desires for peace, law, and order into public accountability for the government's performance, including that of the armed forces. The development of democratic institutions also will provide the best long-range alternative to violence, by establishing a peaceful channel for resolving the conflict plaguing El Salvador. Although serious problems remain, there has been progress in controlling official abuses during this certification period.

- There has continued to be a downward trend in the number of civilian deaths attributable to political violence.
- 109 members of the Salvadoran Armed Forces were disciplined for violent abuses of authority; 71 of these cases have been submitted to judicial action.
- At least 20 members of the civil defense units have been disciplined in a crackdown on abuses by paramilitary forces.

- Minister of Defense General Garcia issued orders in March to all military personnel stating that all abuses of civilians must cease and that violators would be disciplined.

Land reform: During the certification period, the land reform program suffered from inadequate leadership, ill-defined policies, and political uncertainties. Nevertheless, Phase I (large estates) of the program was further consolidated and, despite serious challenges, progress was made on Phase III (Land-to-the-Tiller Program for sharecroppers/tenants). (Phase II--medium-sized properties--was postponed indefinitely by former President Duarte.) Ambiguous legislation passed by the Constituent Assembly in May challenged the reform process and gave rise to the widespread belief that Phase III was being suspended. In the countryside, this situation resulted in a surge of illegal evictions of Phase III beneficiaries. Faced with this situation, the newly installed Government of National Unity began a campaign personally directed by President Magana to put agrarian reform back on the track.

- The first definitive titles to Phase III lands were distributed, and the first compensation was paid to former owners.
- The President and other government and military leaders personally participated in titling ceremonies throughout the country as a demonstration of their commitment to land reform.
- Since June 1982, the military has reinstated some 2,000 families illegally evicted from their land.
- More than 10,000 provisional titles have been issued since January 1, 1982, including 4,865 since the March 28 elections.

Elections: The development of a viable democratic order in El Salvador is the best long-term guarantee of political stability, social justice, and improvements in human rights. The March 28 Constituent Assembly election was a crucial beginning in the transition to democratic institutions. Over 1.5 million Salvadorans, more than 80% of the eligible voters, rejected guerrilla appeals and went to the polls in an election closely monitored by more than 200 international observers and hundreds of journalists. The 60-member Constituent Assembly has formed an interim government and is charged with writing a new constitution and setting the ground rules and date for presidential elections.

The parties allied with the guerrillas were urged repeatedly to participate in the election, but they refused even to discuss how they might participate with security guarantees. Then as now, the US Government is ready to facilitate communication leading to the non-participating parties' reentry into the ongoing political process.

Murders of American citizens: The Salvadoran Government is making a good faith effort to investigate the cases of the six murdered, and one missing, American citizens and bring to justice those responsible. Five men have been charged with murder and are awaiting trial in the December 1980 killings of four American churchwomen. In April, the Salvadoran Government also advanced the investigation into the case of the two murdered American labor advisers by forming a new investigative working group to uncover additional evidence. The disappearance of the American free-lance journalist John J. Sullivan continues to receive the attention of the highest levels of the Salvadoran Government. A number of leads have been followed in the case but without positive results.